IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28473 of 2007(M)

CMA.21/2007 OF PRINCIPAL SUB COURT,IRINJALAKUDA,
OS.651/2007 OF PRL.MUNSIFF COURT.,IRINJALAKUDA.

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PETITIONER:

DEEPA, D/O. CHAKKUNGATHODIYIL NARAYANAN,
PUDUKKAD DESOM,THORAVU VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENT:

THE MANAGER,
STATE BANK OF TRAVANCORE,
PUDUKKAD (BRANCH).

BY ADV. SRI.SATHISH NINAN, SC, SBT,
ADV. SRI.SANTHOSH MATHEW.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.28473 OF 2007

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Dated this the 27th day of September 2007

JUDGMENT

This writ petition is filed to set aside the order of the Principal Munsiff, Irinjalakkuda in I.A.No.1260/2007 in O.S.No.651/2007 and the judgment in C.M.A.No.21 of 2007 of the Prl.sub Court, Irinjalakkuda. The suit is one to restrain the bank from removing doors of strong rooms in the plaint schedule property and an interim relief was also prayed to restrain them from doing so. The bank is admittedly a licensee under the plaintiff. As per the terms of the agreement, the bank can make additions or alterations only with the consent of the landlord and the bank, at the time of vacating the premises, is entitled to remove the temporary additions made to the property. It is a common knowledge that when a bank is started, that too, a bank like State Bank of Travancore, they will be in need of safe deposit vaults. There is no case for the plaintiff that the safe deposit vaults had been installed without their permission. Now the learned counsel for the petitioner submits that since it is already attached to the wall it becomes an immovable property and therefore it cannot be removed from the premises.

It is too difficult to accept that contention. When a safe deposit vault is installed, the purpose of its installation is there only till the bank continues to function in the premises. If the bank vacates the premises either of its own or on the request of the plaintiff, then whatever materials belonged to them can be removed by them. These safe deposit vault doors in strong rooms are also such pieces of materials which exclusively belonged to the bank and that had been put by them at their expenditure. It is true that if it is removed in a hap hazard or careless manner, it can cause some damage to the building. So, in order to protect the interest of the owner of the building, I feel directions can be given to the court below to issue a Commission and direct the bank to remove the same under his supervision and if any damage is caused to the building at that time, then the bank can be directed to effect the appropriate repairs necessary, which also the Commissioner can oversee. So, there will not be a hardship to the plaintiff or to the defendant.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-